



COMMISSIONER  
James R. Hine

December 20, 2004

**To:** Home and Community Support Services Agencies (HCSSAs)

**Subject:** Provider Letter #04-34 – Acceptance of Physician Rubber Stamp Signatures

**Background:**

As of July 8, 2004, the Centers for Medicare & Medicaid Services (CMS) is allowing Medicare-certified home health agencies and hospices to accept a physician's rubber stamp signature for their clinical record documentation, if this practice is permitted by federal, state, and local law, and authorized by the policies of the home health agencies and hospices. ([Refer to S&C 04-35.](#))

**Question:**

Does the Department of Aging and Disability Services (DADS) allow a HCSSA to accept a physician's signature made with a stamp?

**Answer:**

Currently, rules governing licensure of HCSSAs do not allow clinical paper records to be signed with a stamp. Specifically, 40 TAC §97.301(a)(6) provides that "(a)n original record includes *manually signed* paper records or electronically signed computer records." However, effective December 15, 2004, DADS will allow a HCSSA to accept a record containing a stamped signature by a physician if the following requirements are met:

1. the HCSSA must have a dated, written statement from the physician whose signature the stamp represents attesting that he/she is the only person authorized to have the stamp and use it;
2. the physician's statement must be dated prior to, but no more than one year before, a stamped record from the physician was accepted by the HCSSA; and
3. the statement must be signed manually by the physician and include a copy of the stamped signature the physician will be using.

Note that this exception will be applied to physicians only and that a HCSSA must obtain a new statement annually, which meets the requirements set forth above, from a physician using a signature stamp.

**Question:**

If a HCSSA accepts records with a physician's stamped signature, what will a surveyor require the HCSSA to provide?

**Answer:**

Effective December 15, 2004, a DADS surveyor will accept a record signed by a physician with a stamp only if the HCSSA provides the surveyor a statement meeting the three requirements on page one of this provider letter.

If you have any questions, please contact Michelle Dionne-Vahalik, Manager, Policy Development and Support Unit, at (512) 438-2353.

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